

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN DOE, an individual,

Plaintiff,

vs.

Case No.: 18-cv-11776

Hon. Arthur J. Tarnow

Mag. Elizabeth A. Stafford

UNIVERSITY OF MICHIGAN (as to Title IX
violations), et al.,

Defendants.

DEBORAH GORDON LAW
Deborah L. Gordon (P27058)
Elizabeth A. Marzotto Taylor (P82061)
Attorneys for Plaintiff

MILLER, CANFIELD, PADDOCK
AND STONE, P.L.C.
Brian M. Schwartz (P69018)
Attorney for Defendants

UNIVERSITY OF MICHIGAN
Timothy G. Lynch
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Attorneys for Defendants

SAUL EWING ARNSTEIN &
LEHR LLP
Joshua W.B. Richards
Amy L. Piccola
Attorneys for Defendants

PLAINTIFF'S MOTION TO AMEND BILL OF COSTS

NOW COMES Plaintiff, by and through his attorneys Deborah Gordon Law, and pursuant to this Court's Bill of Costs Handbook, Section I (B), p 1, submits the following motion to amend the Taxed Bill of Costs entered by the Clerk of the Court on April 8, 2020 (Dkt. 96). In support of his motion, Plaintiff states as follows:

1. On March 23, 2020, this Court granted Plaintiff's Motion for Partial Summary Judgment (Dkt. 53) and granted in part and denied in part Defendants' Motion to Dismiss (Dkt. 49). Dkt. 90.

2. On March 24, 2020, judgment was entered in favor of Plaintiff, John Doe. Dkt. 91.

3. On April 7, 2020, pursuant to 28 U.S.C. § 1920, Plaintiff filed a Bill of Costs in the amount of \$807.00. Dkt. 94.

4. Plaintiff inadvertently excluded the costs the court reporter's fees for the June 28, 2018 hearing transcript, which totaled \$442.25.

5. On April 8, 2020, the Clerk allowed \$400.00 of the sought costs, but disallowed Plaintiff's request for the court reporter's fees (\$272.00) and courier fees (\$135.00). Dkt. 96.

6. With respect to the court reporter fees, the Clerk noted that Plaintiff had not included documentation supporting how the corresponding hearing transcript was used by him. *Id.*, Pg. ID 2740.

7. According to the Court's Bill of Costs Handbook, Section II (C) p. 3, the prevailing party is to provide the Clerk with information concerning how the transcript was utilized in the case (i.e., if used in motion practice, the title of the motion and the date it was filed and, if applicable, the exhibit or attachment number.)

8. Attached hereto as **Exhibit A** is an amended Bill of Costs, which includes all costs Plaintiff seeks, including the \$400.00 already awarded to Plaintiff by the Clerk on April 8, 2020. See Dkt. 96.

9. **Exhibit B**, Plaintiff's Supplemental Attachment to Bill of Costs, outlines precisely how and when the June 28, 2018 and November 21, 2019 hearing transcripts for which Plaintiff seeks costs were utilized in this case.

10. Additionally, **Exhibits C** and **D** support the costs of obtaining these transcripts.

11. Plaintiff no longer seeks courier fees since, according to the Bill of Costs Handbook, such costs are not taxable.

12. In accordance with E.D. Mich. LR 7.1, Plaintiff's counsel sought concurrence in this motion, but such concurrence was not obtained.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court amend the Taxed Bill of Costs to reflect the total amount of \$1,114.25¹.

Dated: April 15, 2020

Respectfully submitted,

DEBORAH GORDON LAW

/s/ Deborah L. Gordon (P27058)

Elizabeth Marzotto Taylor (P82061)

Attorneys for Plaintiff

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¹ The Court Clerk has previously taxed \$400.00 for filing the complaint; thus, \$400.00 + \$442.25 (June 28, 2018 hearing transcript) + \$272.00 (November 21, 2019 hearing transcript) = \$1,114.25.

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PLAINTIFF'S BRIEF IN SUPPORT OF HIS MOTION TO AMEND BILL OF COSTS

Plaintiff relies on the facts and legal arguments set forth in his Motion, the Federal Court Rules, this Court's Bill of Costs Handbook and the records and files in this case.

WHEREFORE, Plaintiff respectfully requests the relief sought herein.

Dated: April 15, 2020

Respectfully submitted,

DEBORAH GORDON LAW

/s/ Deborah L. Gordon (P27058)

Elizabeth Marzotto Taylor (P82061)

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CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2020, I electronically filed the foregoing document with the Clerk of the Court using the ECF system, which will send notification of such filing and service of said documents to all parties through their counsel of record.

DEBORAH GORDON LAW

/s/ Deborah L. Gordon (P27058)

Attorneys for Plaintiff

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